

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

THE STATE OF TEXAS,

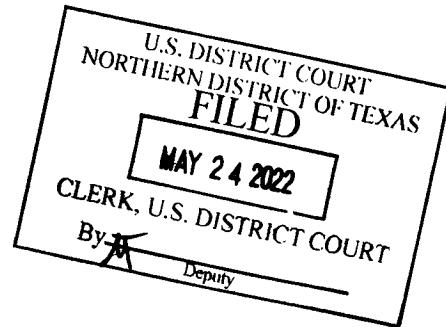
Plaintiff,

V.

2:22-CV-094-Z

ALEJANDRO MAYORKAS, in his official capacity as Secretary of Homeland Security, *et al.*,

Defendants.



ORDER

On May 23, 2022, Defendants filed a Motion for Relief from Scheduling Order (“Motion”) (ECF No. 24). Plaintiff opposes the Motion. Having considered the Motion, pleadings, and applicable law, the Court **DENIES** the Motion.

Despite denying the Motion, the Court finds good cause to vacate the briefing timeline set out in its prior Order. *See* ECF No. 23. Plaintiff filed its Motion for Preliminary Injunction (ECF No. 20) on May 23, 2022. Plaintiff requests “the Court preliminarily enjoin Defendants from implementing the Interim Final Rule [at issue] or, in the alternative, order under 5 U.S.C. § 705 postponing the Interim Final Rule’s effective date until after final judgment has been rendered.” ECF No. 21 at 38. The final rule takes effect on May 31, 2022. *Id.* at 15. Defendants assert they need more time to compile the administrative record in this case. ECF No. 24 at 4. Defendants have already “begun to compile the administrative record and believe they can complete that process by June 3, 2022.” *Id.* Based on the foregoing, the Court **VACATES** its prior Order (ECF No. 23). The Court **STAYS** Defendants’ deadline to respond to Plaintiff’s Motion for Preliminary Injunction.

The Court ORDERS Plaintiff's and Defendants' counsel to confer and to each *separately* propose a briefing schedule with respect to Plaintiff's Motion for Preliminary Injunction. The proposed briefing

schedules shall address whether — and to what extent — discovery is needed and the earliest date that such discovery can be completed. The proposed briefing schedules shall also address the feasibility of Defendants' proposed June 3 and June 10 dates. *See* ECF No. 24 at 8. Parties shall file the proposed briefing schedules by **Friday, May 27, 2022**.

SO ORDERED.

May 24, 2022



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE